

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>IN RE:</b>	§	
	§	
<b>EAGLE GEOPHYSICAL, INC., <i>et al.</i>,</b>	§	<b>CASE NO. 09-33753-H5-11</b>
	§	
<b>Debtors.</b>	§	<b>(Chapter 11 – Jointly Administered)</b>

**DEBTORS' EXPEDITED MOTION FOR ORDER AUTHORIZING  
PROCEDURE FOR MISCELLANEOUS ASSET SALES**

**A HEARING WILL BE CONDUCTED ON THIS MATTER ON JANUARY 6, 2010 AT 2:30 P.M. IN COURTROOM 403, 515 RUSK AVENUE, HOUSTON, TEXAS. IF YOU OBJECT TO THE RELIEF REQUESTED, YOU MUST RESPOND IN WRITING SPECIFICALLY ANSWERING EACH PARAGRAPH OF THIS PLEADING. UNLESS OTHERWISE DIRECTED BY THE COURT, YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT WITHIN TWENTY-THREE DAYS FROM THE DATE YOU WERE SERVED WITH THIS PLEADING. YOU MUST SERVE A COPY OF YOUR RESPONSE ON THE PERSON WHO SENT YOU THE NOTICE; OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.**

**To the Honorable Karen K. Brown,  
United States Bankruptcy Judge:**

Eagle Geophysical Onshore, Inc. and Eagle Geophysical, Inc. (collectively, the “Debtors”) file this Motion for Order Authorizing Procedure for Miscellaneous Asset Sales.

**Nature of the Motion**

1. The Debtors seek an order under §§ 105(a) and 363(c) of the Bankruptcy Code authorizing the sale of certain miscellaneous pieces of equipment and personal property valued at less than \$15,000 upon written consent of the Official Committee of Unsecured Creditors (“Committee”). Such process will aid the Debtors in liquidating miscellaneous assets that were not previously sold at the Debtors’ Court-approved auction and minimize storage costs and other expenses.

### **Expedited Consideration**

2. The Debtors seek expedited consideration. The Debtors have prospective purchasers for certain pieces of equipment. The Debtors believe that any delay might cause such purchasers to lose interest, forcing the Debtors to seek alternative purchaser(s) and incur further storage costs in the process. No party will be prejudiced by the requested relief.

### **Jurisdiction and Venue**

3. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1334. This is a core proceeding under 28 U.S.C. §§ 157(b)(2)(A) and (O). Venue of these cases is proper in this district pursuant to 28 U.S.C. §§ 1408(1) and (2).

### **Background**

4. On May 31, 2009, the debtors both filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”). The debtors continue to liquidate their businesses and manage their properties as debtors in possession pursuant to §§ 1107 and 1108 of the Bankruptcy Code. No trustee or examiner has been appointed in these cases.

5. On the petition date, the Debtors owned multiple vehicles, ATVs, miscellaneous equipment, tools, electronics and other personal property related to the operation of their seismic businesses. Substantially all of the foregoing personal property was located at the Debtors’ facility/storage yard in Needville, Texas.

6. On October 28, 2009, the Court entered an order authorizing the Debtors to conduct a public auction at the Needville facility. The Debtors conducted the public auction on December 9, 2009. At the conclusion of the auction, the Debtors had sold more than 90% of the

equipment and personal property located at the facility and realized in excess of \$1.8 million in gross sales proceeds.

7. Since the auction, various parties have expressed interest in purchasing certain unsold items. The Debtors believe that the remaining equipment and personal property at the Needville facility has nominal value and that filing a motion to sell each piece of property would be cost prohibitive.

**Requested Relief**

8. The Debtors request authority under §§ 105 and 363(c) of the Bankruptcy Code to sell miscellaneous pieces of equipment and personal property that do not exceed \$15,000 in value, so long as the Committee provides written consent, without the need for further order. If the Committee does not object to a proposed sale within 48 hours of receiving notice of the terms of such sale, the Committee will be deemed to have consented to such sale for purposes of these procedures. If the Committee does object to a proposed sale, the Debtors will either not sell the item(s) or seek further Court order.

9. All sales will be free and clear of all liens, claims, interests and encumbrances pursuant to § 363(f), with such liens, claims, interests and encumbrances to attached to the sales proceeds.

10. Accordingly, the Debtors request that the Court authorize the relief requested above and grant other just relief as appropriate.

**Dated: December 22, 2009.**

Respectfully submitted,

**Porter & Hedges, L.L.P.**

By: /s/ Joshua W. Wolfshohl  
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**Counsel for the Debtors**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was duly served by United States first class mail to all parties listed on the attached Service List and by electronic transmission to all registered ECF users appearing in the case on December 22, 2009.

/s/ Joshua W. Wolfshohl  
Joshua W. Wolfshohl

**SERVICE LIST**

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Christine March  
Office of the United States Trustee  
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**U/S Creditors Committee**

Matt Okin  
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**Eagle Geophysical, Inc.**  
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